

Ser. No. 09/759,766
Attorney Docket No. 2359-00

REMARKS

Claims 12 and 14 were objected to due to informalities found by the Examiner. Claims 12 and 14 have been amended according to the suggestions by the Examiner.

Claims 12 and 13 were rejected under 35 USC §112, second paragraph, as being indefinite in that "an augmented contraction force" lacked an antecedent basis. Due to the use of the word "an", it was a first use and therefore did not require an antecedent basis. However, to more clearly show that the contraction force in claim 12, line 5 is not the same as the augmented contraction force of line 7, claim 12 has been amended to provide a first contraction force and a second contraction force. The amendments to claim 12 obviates the rejections.

Claims 1, 2, 4-6, 10, and 18-20 were rejected under 35 USC §101 because they are drawn to non-statutory subject matter or a part of a human. Independent claims 1 and 18 have been amended to indicate that the mini-bridge is configured to be affixed to the zonular fibers. Thus, the part of a human is not positively recited in the claims.

Claims 12-17 were rejected under 35 USC §102(b) as being clearly anticipated by Banko. Banko addresses surgical correction of cataract rather than providing a method of correcting presbyopia and hyperopia. In fact, the disclosure does not mention or even imply correcting presbyopia or hyperopia.

Ser. No. 09/759,766
Attorney Docket No. 2359-00

The Banko implant is sutured to the ciliary muscles while the present invention specifically claims that the bridge is affixed to the zonular fibers, not to ciliary muscles. In fact, in Banko's disclosed procedure, the zonules are preferably removed or surgically taken out. Additionally, in Banko's disclosed procedure, the natural crystalline lens is removed, while in the present preferred embodiment, the natural lens remains in place. In an alternative embodiment, the present invention can also be used for an intraocular implanted lens in place of the natural lens. Banko also discusses removal of a portion (anterior and/or posterior) of the natural lens capsule. In Banko, the capsule 30 is attached to the ciliary body by sutured lip/flaps. In the present claims, the capsule is not sutured to the ciliary body by any lip/flap, but a bridge encases the zonular fibers to augment the contraction force of the ciliary muscles. Banko specifically indicates (column 3, lines 26-37) that it has no control over the capsule. The present invention specifically claims controlling the capsule by pushing on the capsule with the mini-bridges due to contraction of the ciliary muscles. Further the Banko device is sutured to the ciliary muscles. To more clearly set out the features of the present method claims, independent claims 12 and 14 have been amended to claim the bridge is affixed in and around the zonular fibers. Thus these claims and the dependent claims are allowable. Support for the amendments can be found on page 26, line 31.

Claims 12, 14, 16, and 17 were rejected under 35 USC §103(a) as being clearly anticipated by Ganem, et al. Ganem, et al., discloses a ring that rests against the median zone of the zonules which in turn stresses the zonules. As

Ser. No. 09/759,766
Attorney Docket No. 2359-00

previously indicated the present invention as claimed, encases the zonular fibers thereby augmenting the force of the ciliary muscles. Thus, the mechanics and process of Ganem, et al., is diametrically opposed to the claimed invention. The Ganem, et al., implanted ring is different from the presently claimed invention or even a ring-like mini bridge because the Ganem, et al., implanted ring does not rest against the natural lens capsule like the present invention. The Ganem, et al., implant is placed in the ciliary sulcus or angle (column 2, line 34) and is not a bridge between the ciliary muscles and the natural lens capsule while the present invention is placed in the Hanover canal which is the space between the interior and exterior zonular fibers or bristles. As previously discussed, independent claims 12 and 14 have been amended to more specifically claim the method of placing the bridge in and around the zonular fibers which is a feature not disclosed or implied in Ganem, et al..

Having responded to each and every objection and rejection raised by the Examiner, it is believed that the patent application is now in condition for allowance, and such allowance is respectfully requested. If the Examiner has any questions or suggestions for expediting an allowance in this matter, the Examiner is invited to call the undersigned collect.


Ser. No. 09/759,766
Attorney Docket No. 2359-00

The Commissioner is authorized to charge any fees or credit any overpayment under 37 CFR §§ 1.16 and 1.17 which may be required during the entire pendency of the application to Deposit Account No. 01-2335

Respectfully submitted,

Dated: March 19, 2004

By:


Dennis F. Armijo
Reg. No. 34,116

Dennis F. Armijo, Esq.
DENNIS F. ARMIJO, P.C.
5300 Sequoia Rd., NW, Suite 200
Albuquerque, NM 87120

Telephone: (505) 839-0123
Facsimile: (505) 839-4017